

ROADWAY EASEMENT AGREEMENT

This Agreement, made and executed this 15th day of
July, 1976, by and between the Fontenelle Hills Company,
Inc., a Nebraska corporation, herein called "owner"; and
Sanitary and Improvement District No. 43 of Sarpy County,
Nebraska, a municipal corporation, herein called "district".

WITNESSETH THAT:

WHEREAS owner is the holder in fee simple of title to
the following described real estate, to-wit:

Lots 44, 48, 49, 50, 66, 67, 68, 93, 94,
99, 100, 148, 149, 150, 151, 152, 153,
155, 156, 157 and 176 in Fontenelle,
a Subdivision as surveyed, platted and
recorded in Sarpy County, Nebraska; and

WHEREAS district is a municipal corporation charged with
the maintenance of capital improvements of a utilitarian nature
for the public convenience and necessity within its boundaries,
including but not limited to streets, roads and related facilities;
and

WHEREAS the above described property lies within the boundaries
of the aforesaid district; and

WHEREAS the above described lots, with the exception of
Lots 50 and 68, are presently lacking in a definitive means of
access to dedicated public streets and are thus lacking in
value to the owner and lacking to the district in terms of
the potential for generation of tax revenue; and

WHEREAS owner has heretofore constructed upon portions of
the aforesaid lots, at his expense, a roadway for the common
use, benefit and enjoyment of those persons who shall from
time to time constitute the owners of said lots together with
their guests, invitees, and such other persons as may from
time to time lawfully use the same; and

WHEREAS owner deems it necessary to provide for the continued
maintenance of said roadway and to establish the rights
and privileges of those persons who shall from time to time
lawfully enter upon the same; and

REC'D
57865
FILED FOR RECORD 8-16-76 AT 8:44 A.M. IN BOOK 49 OF TITLE RICS
469 Carl L. Hibbelin
REGISTER OF DEEDS, SARPY COUNTY, NEB. 83

WHEREAS district realizes the benefits to be derived by the district in terms of tax revenues in the event said lots are improved by the placement thereon of dwellings with the resultant increase in assessed valuation of said property;

NOW, THEREFORE, in consideration of mutual covenants and conditions contained herein and the mutual benefits to be gained thereby, the parties hereto agree as follows:

I

Grant of Easements

Owner hereby grants to district, for the mutual benefit of those persons who shall from time to time be the owners of one or more of the following described parcels or lots adjacent thereto and who shall have occasion to make use of the aforesaid roadway for access purposes, and for the family members, guests and invitees of the aforesaid owners and such other persons as shall make lawful use of the same, and the district does hereby accept from the owner, a perpetual easement for roadway purposes over and upon the following described portions of the following described lots in Fontenelle, a subdivision as surveyed, platted and recorded in Sarpy County,

Nebraska:

Legal Description of Easement
Tract and Plat Showing Location

Lot No.

44	See Exhibit "A" attached.
48	See Exhibit "B" attached.
49	See Exhibit "C" attached.
50	See Exhibit "D" attached.
66	See Exhibit "E" attached.
67	See Exhibit "F" attached.
68	See Exhibit "G" attached.
93	See Exhibit "H" attached.
94	See Exhibit "I" attached.
99	See Exhibit "J" attached.
100	See Exhibit "K" attached.
148	See Exhibit "L" attached.
149	See Exhibit "M" attached.
150	See Exhibit "N" attached.
151	See Exhibit "O" attached.
152	See Exhibit "P" attached.
153	See Exhibit "Q" attached.
155	See Exhibit "R" attached.
156	See Exhibit "S" attached.
157	See Exhibit "T" attached.
176	See Exhibit "U" attached.

II

Covenant to Improve Lots

Owner shall henceforth commence construction of dwelling units and related improvements upon the aforesaid lots as conditions in the detached single family housing market dictate. The parties acknowledge that, absent such an easement agreement, the said lots would have, for all intents and purposes, remained unmarketable due the lack of a definitive means of access from dedicated public streets to the said lots, and the parties further acknowledge that the valuation of the lots in an improved stage shall be significantly increased as compared to the lots in their natural state, and that the district, through its taxation powers, shall enjoy greatly increased revenues from said lots as a result of the improvement thereof.

III

Covenant to Maintain Roadway

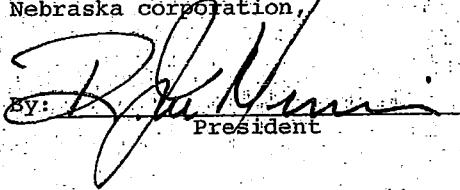
The district hereby covenants to maintain the aforesaid roadway and to do any and all things reasonably required in order to keep the roadway in a condition so as to provide a viable means of safe and convenient access from the lots subject to the easement and lots adjacent thereto to dedicated public streets. By way of example and not by way of limitation, district shall cause the surface of said roadway to be patched and repaired as required so as to remain free of chuckholes; shall cause fill material around and beneath the roadway to be kept in place or replaced as necessary so as to avoid excessive erosion and the likelihood of damage to the roadway therefrom; shall remove snow therefrom contemporaneously with removal of snow from dedicated public streets lying within the district; and shall spread gravel, salt or similar materials to minimize the hazards of ice on said roadway at such times as such materials shall be applied to dedicated public streets lying within the district.

Parties Bound

This Agreement shall be binding upon the parties hereto
and their respective successors and assigns.

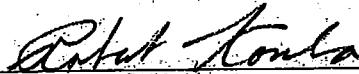
IN WITNESS WHEREOF the parties hereto appear and do set
their hands and seals on the date last aforesaid.

FONTENELLE HILLS CO., INC., a
Nebraska corporation,

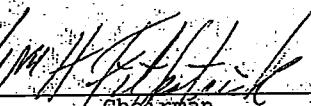
By: 
President

(Seal)

Attest:

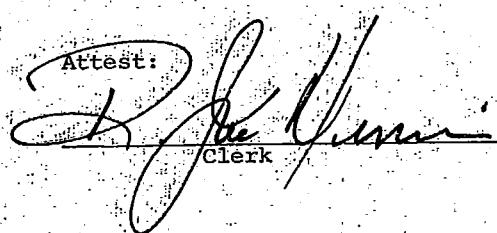

Secretary

SANITARY AND IMPROVEMENT DISTRICT
NO. 43 OF SARPY COUNTY, NEBRASKA,
a municipal corporation,

By: 
Chairman

(Seal)

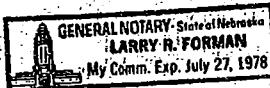
Attest:


Clerk

STATE OF NEBRASKA)
COUNTY OF SARPY) ss.

Before me, a notary public qualified in said county personally came C. Joe O'Conor, President of FONTENELLE HILLS CO., INC., a Nebraska corporation, known to me to be the President and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

WITNESS my hand and notarial seal on this 15th day of July, 1976.

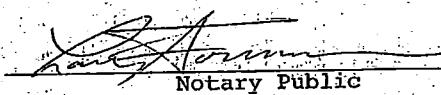


Larry R. Forman
Notary Public

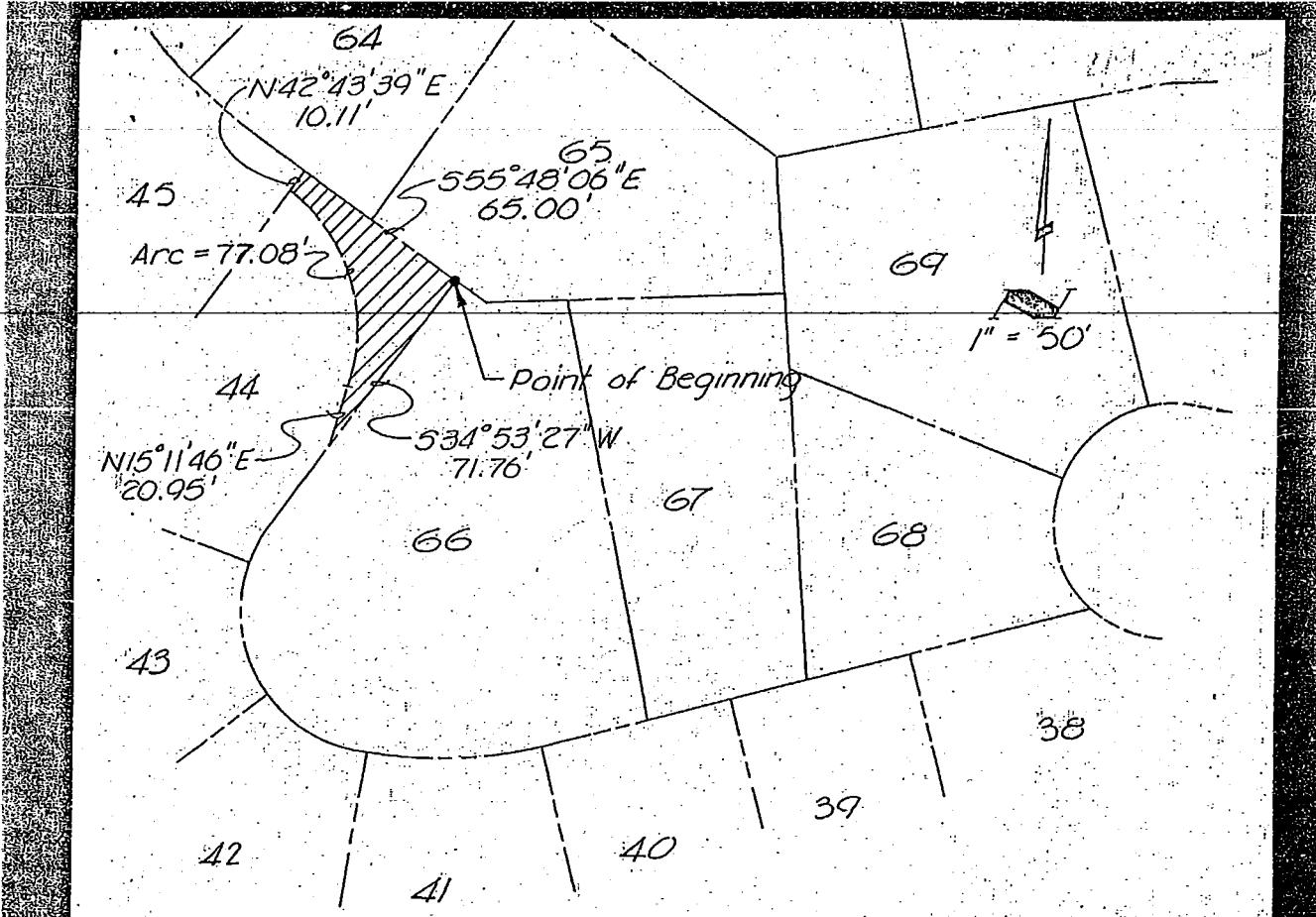
STATE OF NEBRASKA)
COUNTY OF SARPY) ss.

Before me, a notary public qualified in said county personally came William H. Fensterick, Chairman of SANITARY AND IMPROVEMENT DISTRICT NO. 43 OF SARPY COUNTY, NEBRASKA, a municipal corporation, known to me to be the Chairman and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

WITNESS my hand and notarial seal on this 15th day of July, 1976.



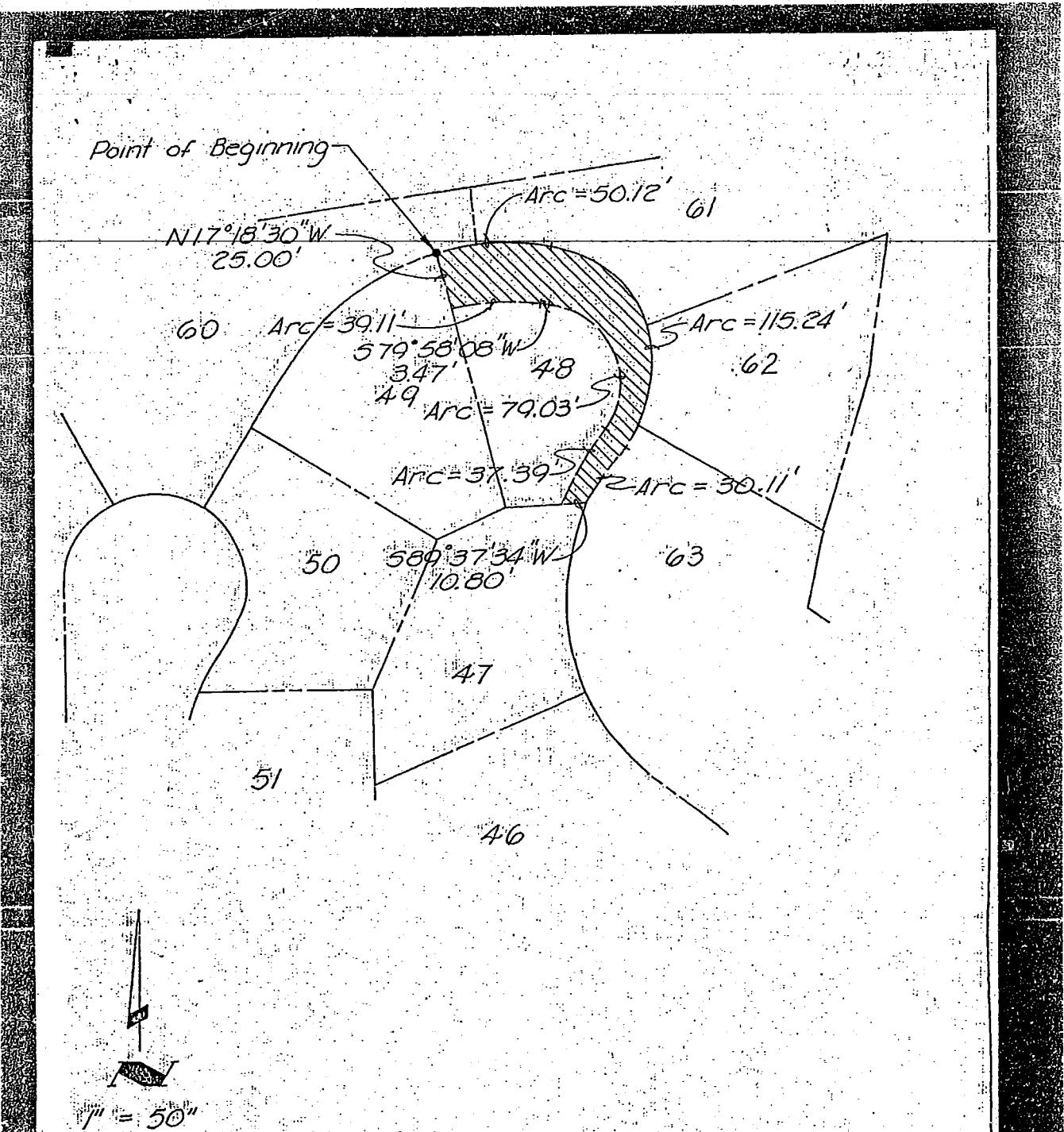
Larry R. Forman
Notary Public



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 44, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

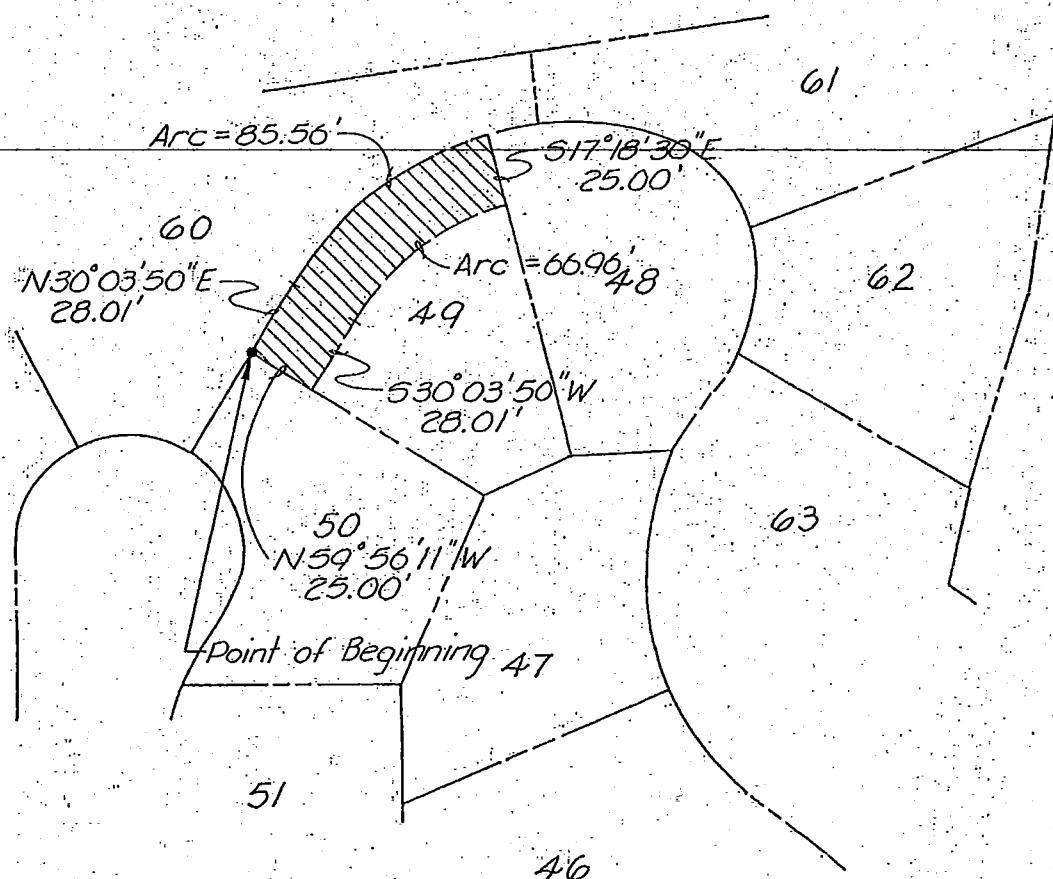
Beginning at the northernmost common corner of lots 44 and 66; thence South 34°53'27" West along the common line of said lots 44 and 66, a distance of 71.76 feet; thence North 15°11'46" East a distance of 20.95 feet; thence on a 62.2 foot radius curve to the left an arc distance of 77.08 feet to the common line of lots 44 and 45; thence North 42°43'39" East along said common line of lots 44 and 45 to the northeasternmost common corner of said lot 44 and 45 a distance of 10.11 feet; thence South 55°48'06" East to the northeasternmost common corner of lots 44 and 66 a distance of 65.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 48, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

Beginning at the northernmost common corner of lots 48 and 49; thence on a 115.00 foot radius curve to the right along the northernmost lot line of said lot 48 an arc distance of 50.12 feet; thence on a 53.90 foot radius curve to the right along the easternmost lot line of said lot 48 an arc distance of 115.24 feet; thence on a 100.11 foot radius curve to the left an arc distance of 30.11 feet to the easternmost common corner of lots 47 and 48; thence South 89°37'34" West along said common line of lots 47 and 48 a distance of 10.80 feet; thence on a 110.11 foot radius curve to the right an arc distance of 37.39 feet; thence on a 35.00 foot radius curve to the left an arc distance of 79.03 feet; thence South 79°58'08" West a distance of 3.47 feet; thence on a 115.00 foot radius curve to the left an arc distance of 39.11 feet to the common line of lots 48 and 49; thence North 17°18'30" West along said common line of lots 48 and 49 a distance of 25.00 feet to the northernmost common corner of said lots 48 and 49 which is the point of beginning.

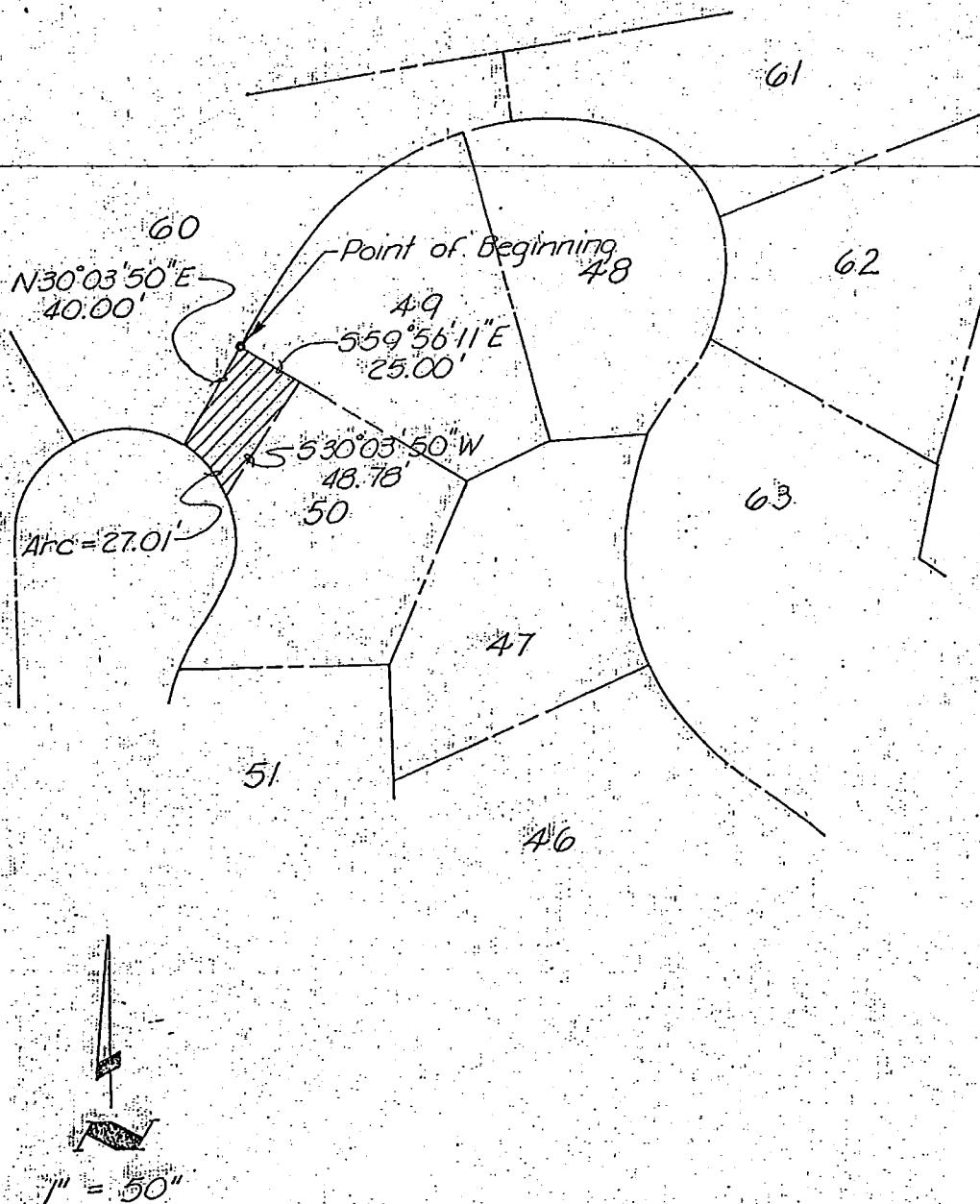


1" = 50'

LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 49, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

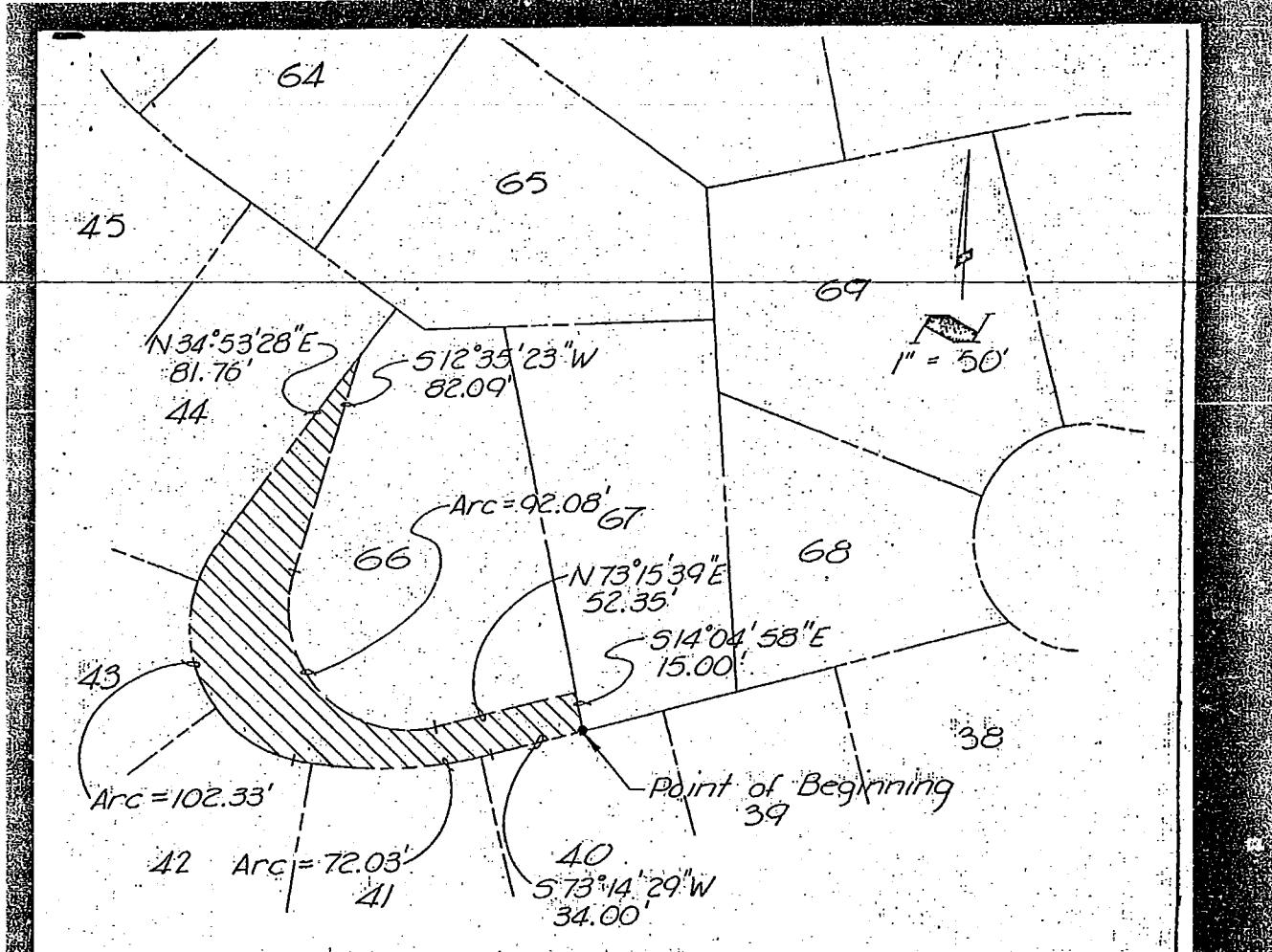
Beginning at the northwesternmost common corner of lots 49 and 50; thence North 30°03'50" East along the common line of lots 49 and 60 a distance of 28.01 feet; thence on a 115.00 foot radius curve to the right an arc distance of 85.56 feet to the northernmost common corner of lots 48 and 49; thence South 17°18'30" East along the common line of lots 48 and 49 a distance of 25.00 feet; thence on a 90.00 foot radius curve to the left an arc distance of 66.96 feet; thence South 30°03'50" West a distance of 28.01 feet to the common line of lots 49 and 50; thence North 59°56'11" West along said common line of lots 49 and 50 to the northwesternmost common corner of said lots 49 and 50 a distance of 25.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 50, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

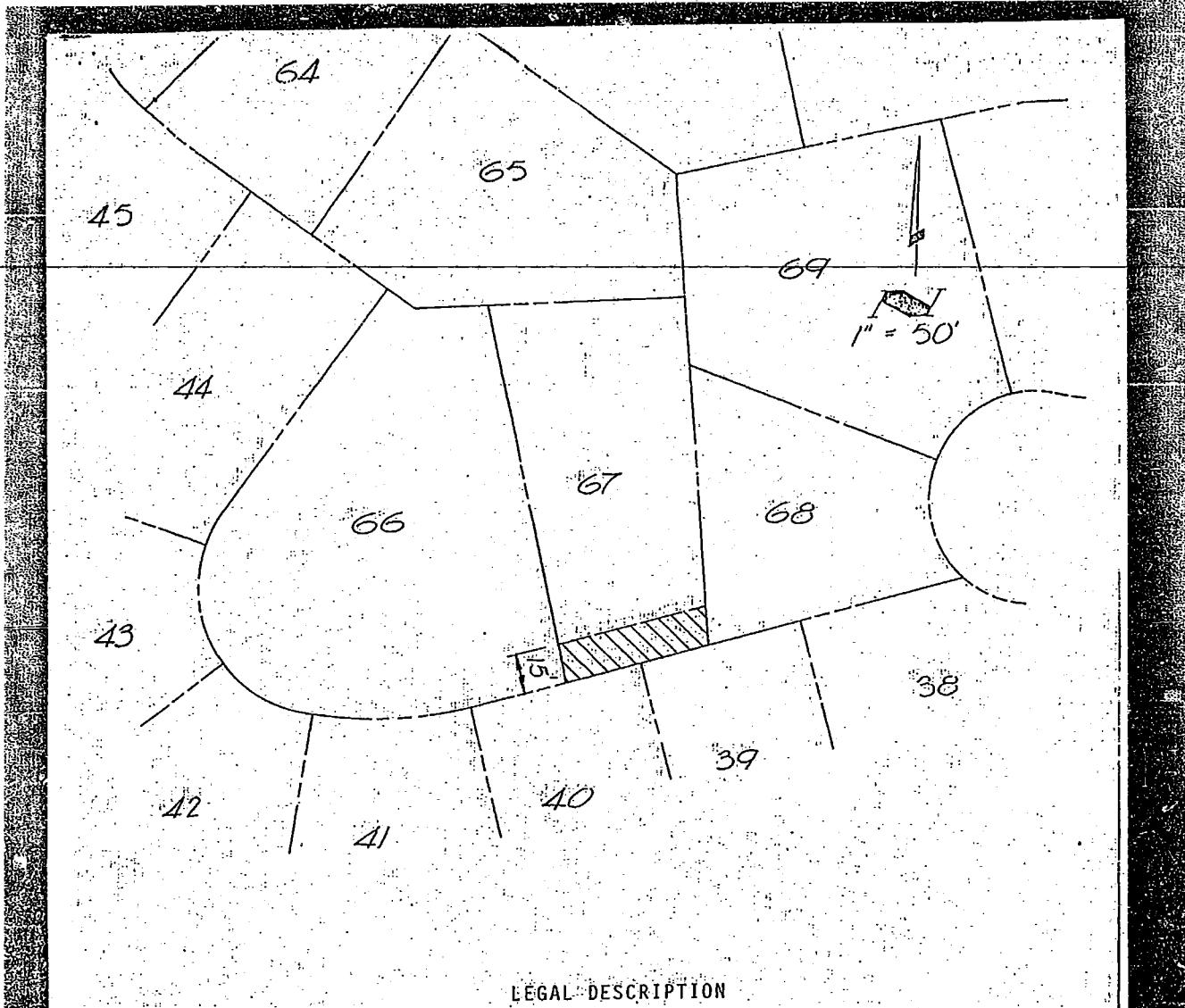
Beginning at the northwesternmost common corner of lots 49 and 50; thence South 59° 56' 11" East along the common line of lots 49 and 50 a distance of 25.00 feet; thence South 30° 03' 50" West a distance of 48.70 feet to the southwesternmost lot line of said lot 50; thence on a 40.00 foot radius curve to the left an arc distance of 27.01 feet to the southernmost common corner of lots 50 and 60; thence North 30° 03' 50" East along said common line of lots 50 and 60 a distance of 40.00 feet to the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 66, Pontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

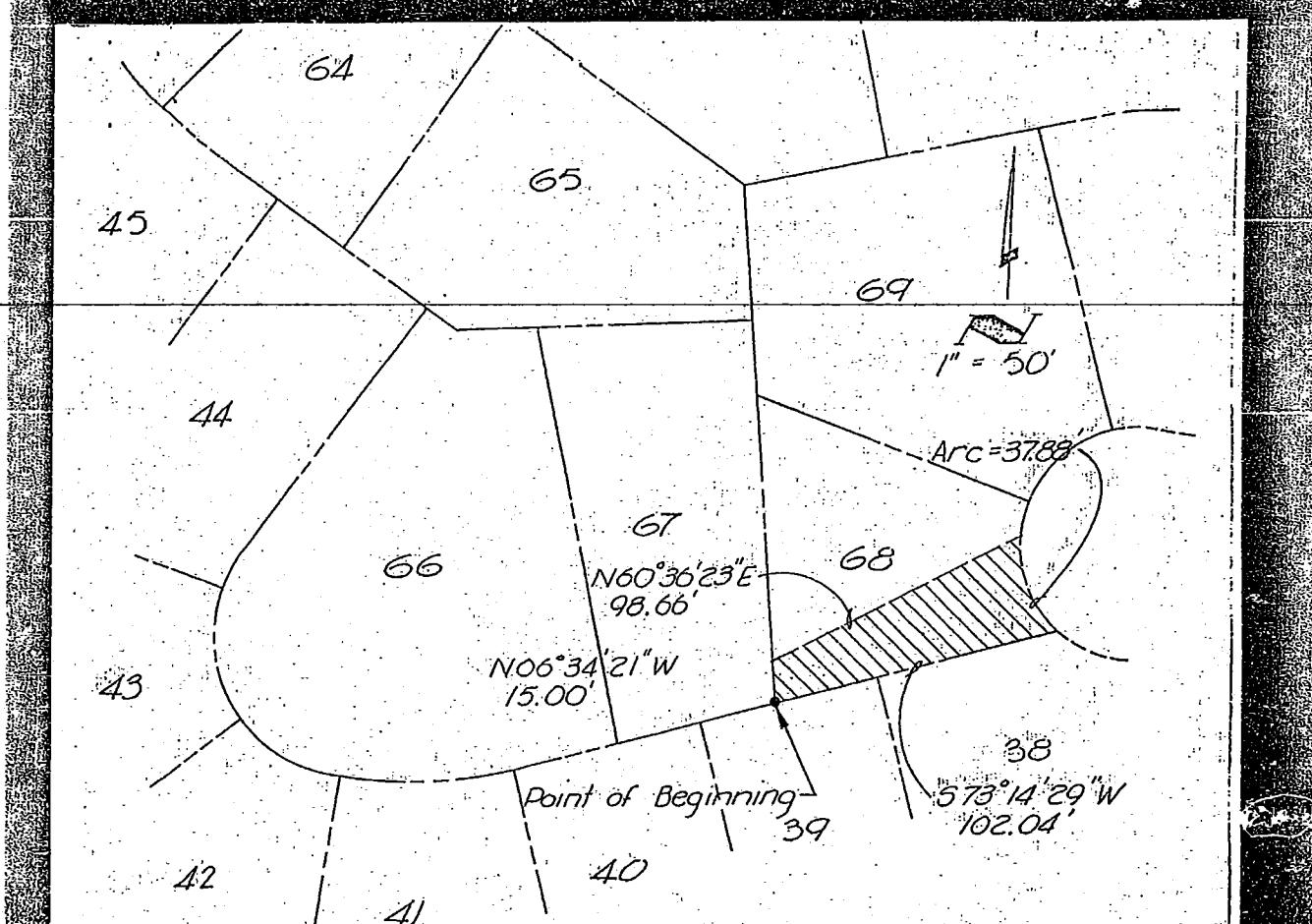
Beginning at the southermost common corner of lots 66 and 67; thence South $73^{\circ}14'29''$ West along the common line of lots 40 and 66 a distance of 34.00 feet; thence on a 155.00 foot radius curve to the right along the southernmost lot line of said lot 66 an arc distance of 72.03 feet; thence on a 50.97 foot radius curve to the right along the westernmost lot line of said lot 66 an arc distance of 102.33 feet; thence North $34^{\circ}53'28''$ East along the common line of lots 44 and 66 a distance of 81.76 feet; thence South $12^{\circ}35'23''$ West a distance of 82.09 feet; thence on a 43.26 foot radius curve to the left an arc distance of 92.08 feet; thence North $73^{\circ}15'39''$ East to the common line of lots 66 and 67 a distance of 52.35 feet; thence South $14^{\circ}04'58''$ East along said common line of lots 66 and 67 to the southermost common corner of said lots 66 and 67 a distance of 15.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 67, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

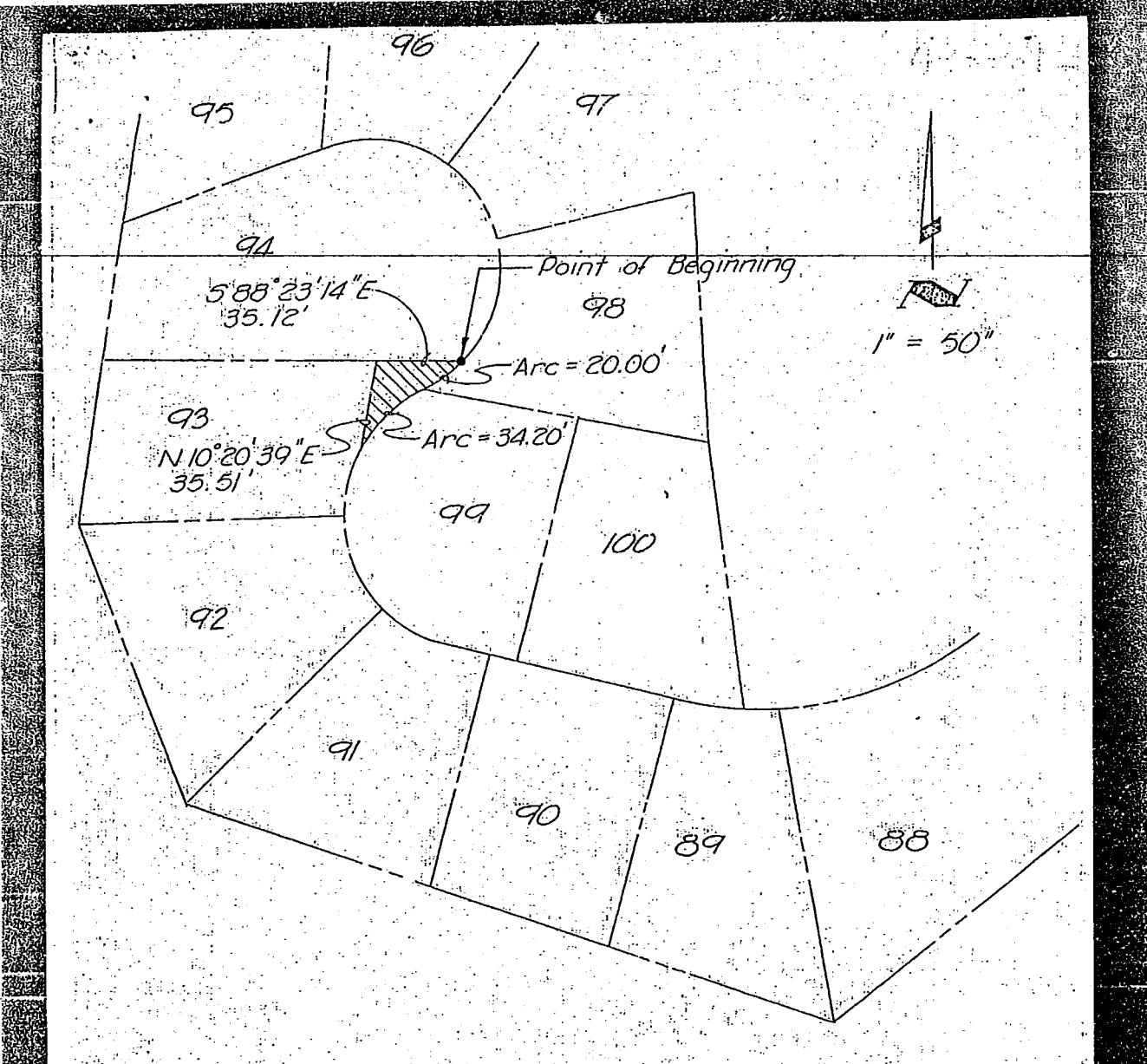
The southernmost 15 foot of said lot 67 parallel to the southernmost lot line.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 68, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

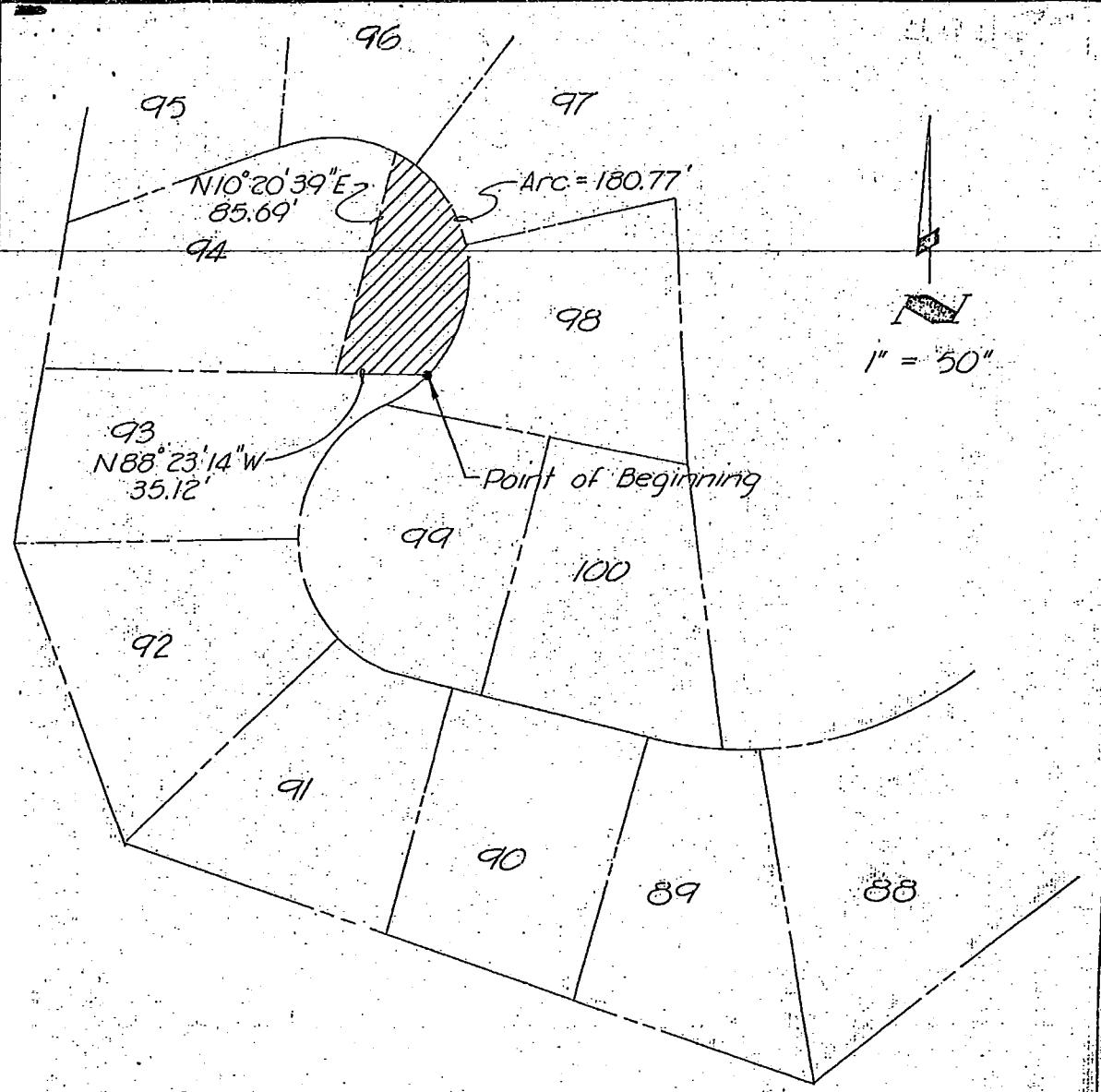
Beginning at the southernmost common corner of lots 67 and 68; thence North 06° 34' 21" West along the common line of lot 67 and 68 a distance of 15.00 feet; thence North 60° 36' 23" East to the easternmost lot line of said lot 68 a distance of 98.66 feet; thence on a 40.00 foot radius curve to the left to the southeasternmost corner of said lot 68, an arc distance of 37.88 feet; thence South 73° 14' 29" West to the southernmost common corner of lots 67 and 68 a distance of 102.04 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 93, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

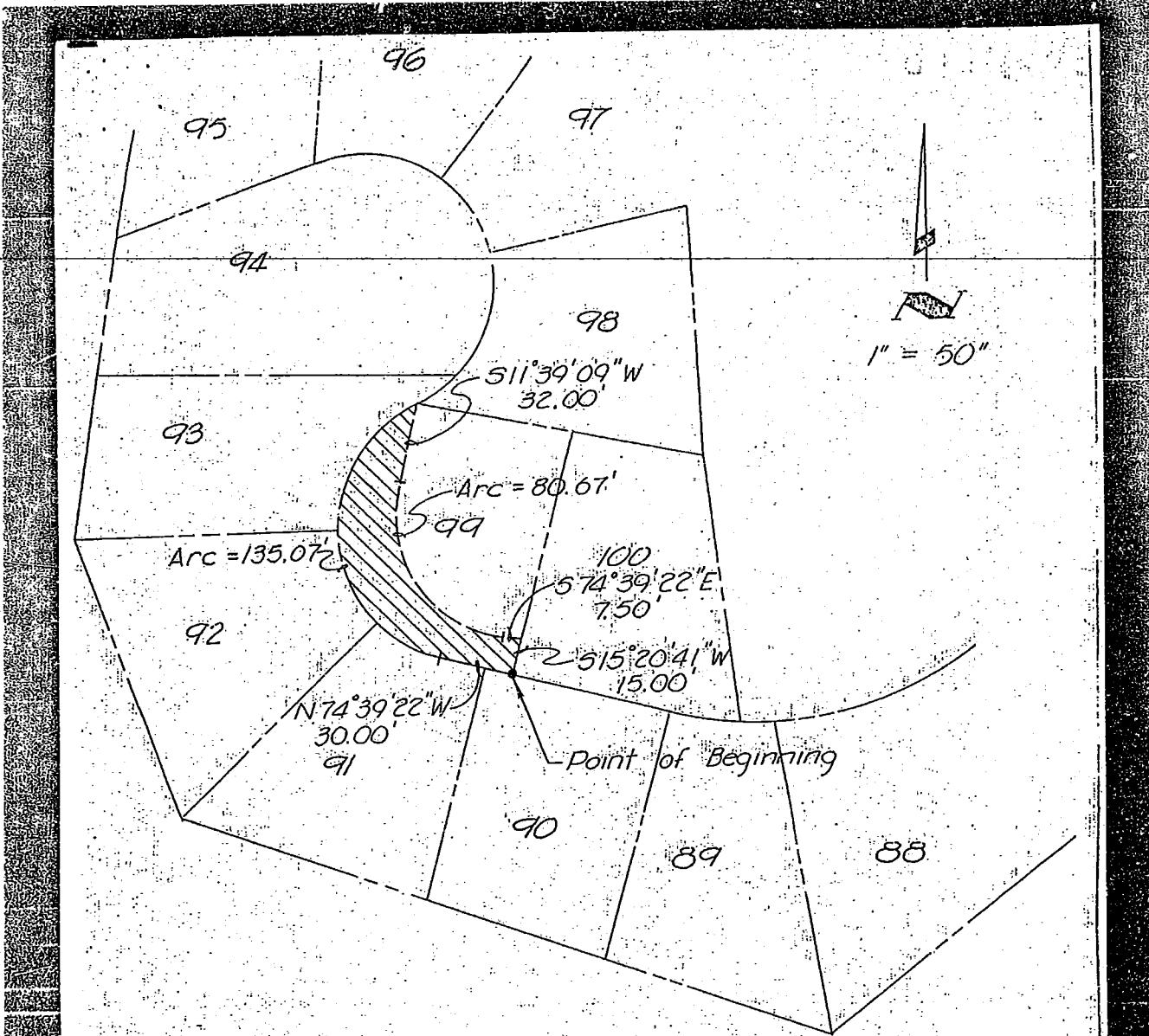
Beginning at the easternmost common corner of lots 93 and 94; thence on a 52.13 foot radius curve to the right to the westernmost common corner of lots 98 and 99 an arc distance of 20.00 feet; thence on a 55.00 foot radius curve to the left an arc distance of 34.20 feet; thence North 10° 20' 39" East to the common line of lots 93 and 94 a distance of 35.51 feet; thence South 88° 23' 14" East along the common line of said lots 93 and 94 a distance of 35.12 feet to the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 94, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

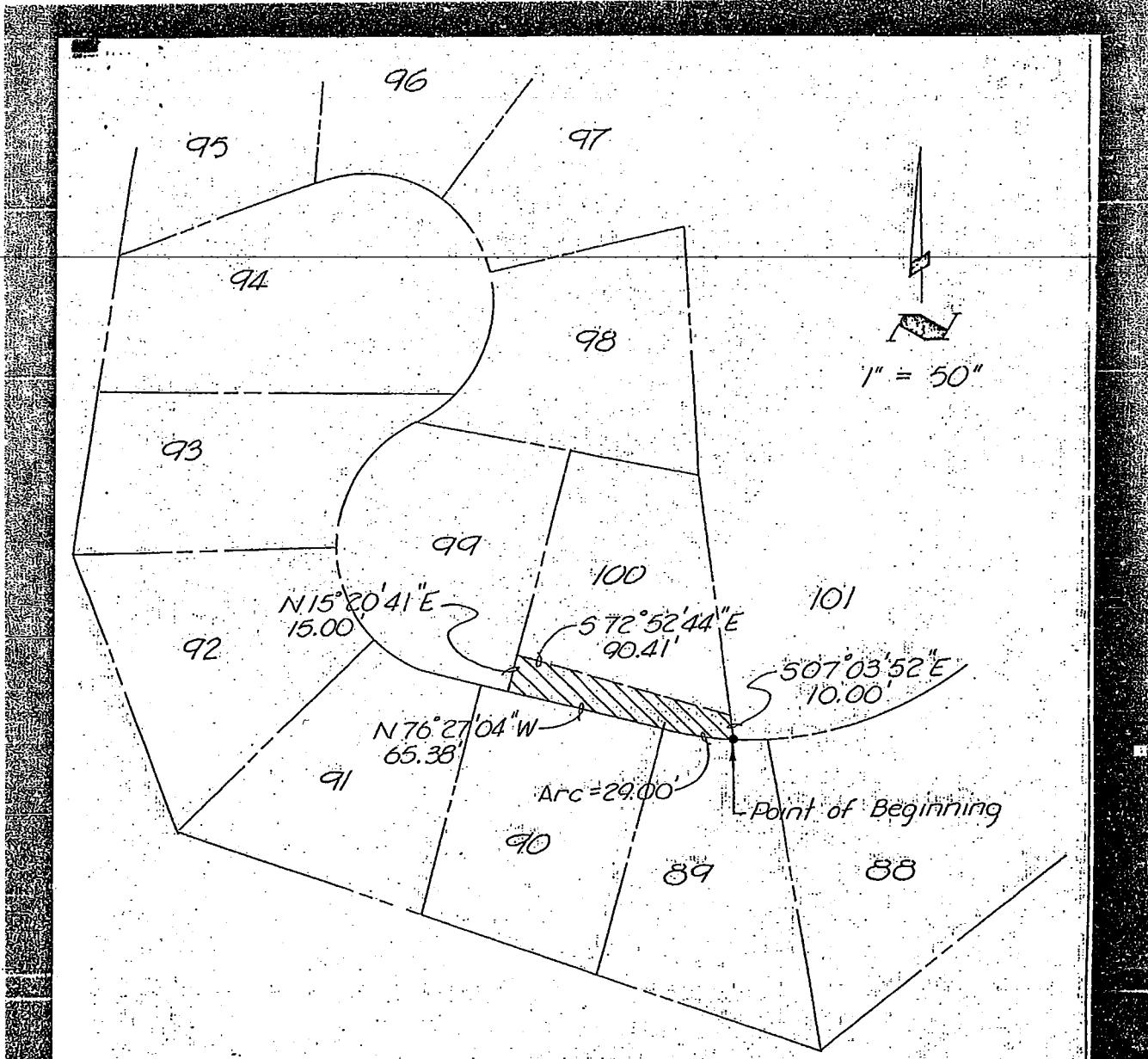
Beginning at the easternmost common corner of lots 93 and 94; thence North $88^{\circ}23'14"$ West along said common line of lots 93 and 94 a distance of 35.12 feet; thence North $10^{\circ}20'39"$ East to the common line of lots 94 and 96 a distance of 85.69 feet; thence on a 52.13 foot radius curve to the right to the easternmost common corner of said lots 93 and 94 an arc distance of 180.77 which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 99, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

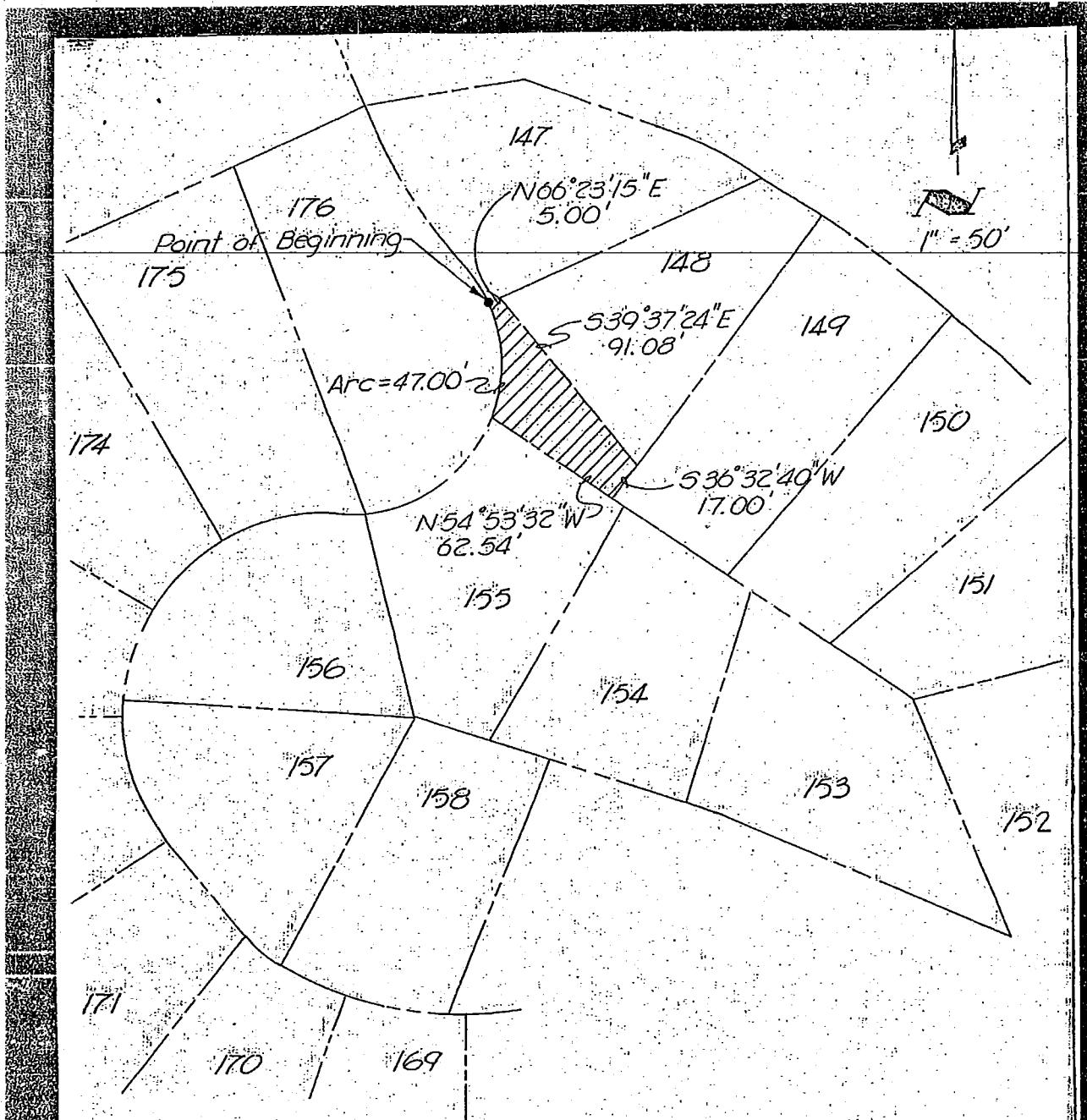
Beginning at the southernmost common corner of lots 99 and 100; thence North $74^{\circ}39'22''$ West along the common line of lots 91 and 99 a distance of 30.00 feet; thence continuing along said lot line on a 50.00 foot radius curve to the right an arc distance of 135.07 feet to the westernmost common corner of lots 98 and 99; thence South $11^{\circ}39'09''$ West a distance of 32.00 feet; thence on a 55.48 radius curve to the left an arc distance of 80.67 feet; thence South $74^{\circ}39'22''$ East to the common line of lots 99 and 100 a distance of 7.50 feet; thence South $15^{\circ}20'41''$ West along the common line of lots 99 and 100 a distance of 15.00 feet to the southernmost common corner of said lots 99 and 100 which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 100, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

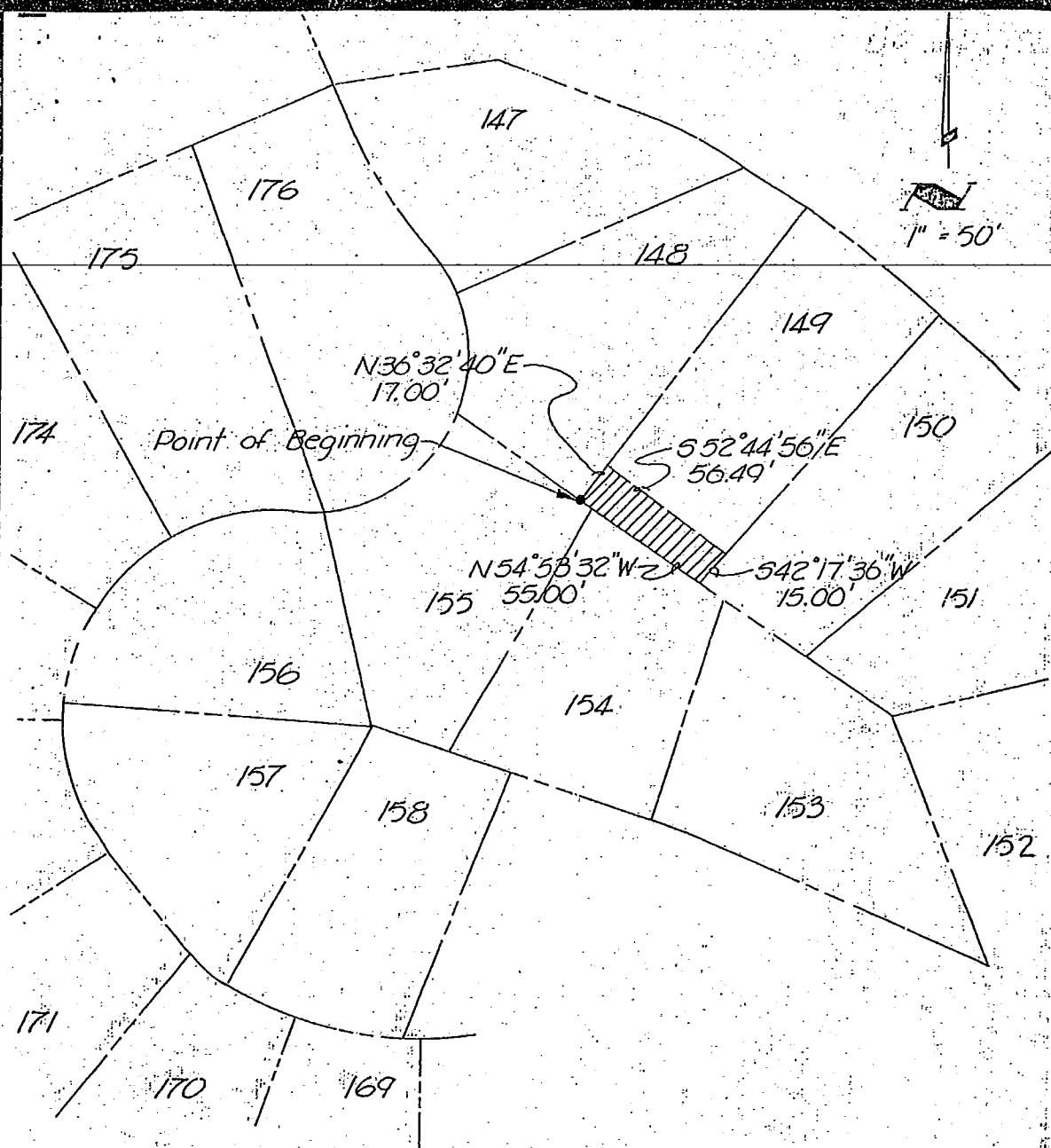
Beginning at the southernmost common corner of lots 100 and 101; thence along the southernmost lot line of said lot 100 on a 141.98-foot radius curve to the right, an arc distance of 29.00 feet to the northernmost common corner of lots 89 and 90; thence continuing along the common line of lots 90 and 100 North 76° 27' 04" West a distance of 65.38 feet to the southernmost common corner of lots 99 and 100; thence North 15° 20' 41" East along said common line of lots 99 and 100 a distance of 15.00 feet; thence South 72° 52' 44" East to the common line of lots 100 and 101 a distance of 90.41 feet; thence South 07° 03' 52" East along the common line of lots 100 and 101 to the southernmost common corner of said lots 100 and 101 a distance of 10.00 feet to the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 148, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

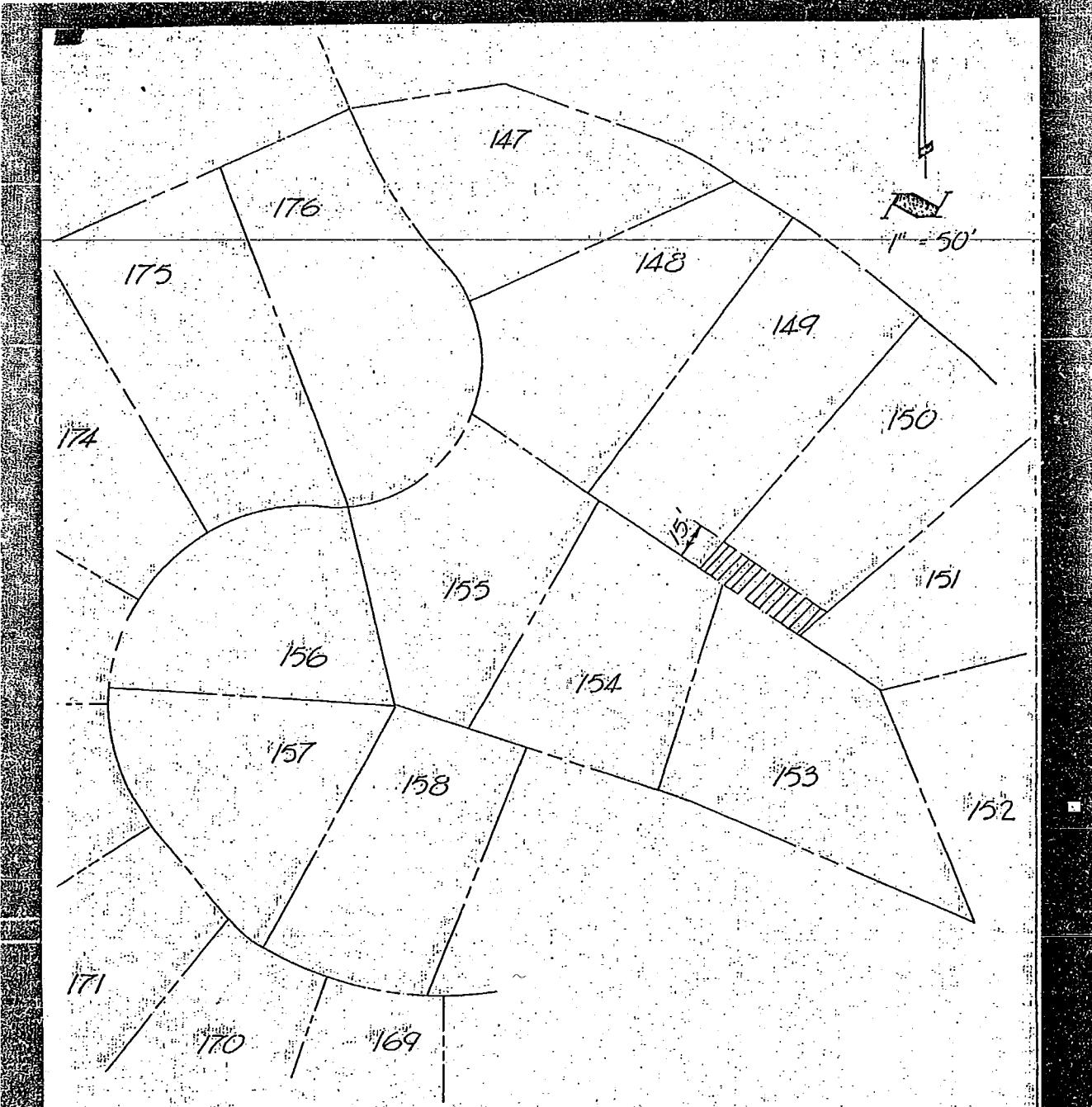
Beginning at the westernmost common corner of lots 147 and 148; thence North 66°23'15" East along the common line of said lots 147 and 148 a distance of 5.00 feet; thence South 39°37'24" East to the common line of lots 148 and 149, a distance of 91.08 feet; thence South 36°32'40" West along said common line of lots 148 and 149 to the southernmost common corner of said lots 148 and 149 a distance of 17.00 feet; thence North 54°53'32" West along the common line of lots 148 and 155 to the westernmost common corner of said lots 148 and 155 a distance of 62.54 feet; thence on a curve of 61.54 foot radius curve to the left to the westernmost common corner of lots 147 and 148, an arc distance of 47.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a "legal description of a permanent roadway easement, located in lot 149, Fontenelle, a platted and recorded subdivision, in Sarpy County, Nebraska, being more particularly described as follows:

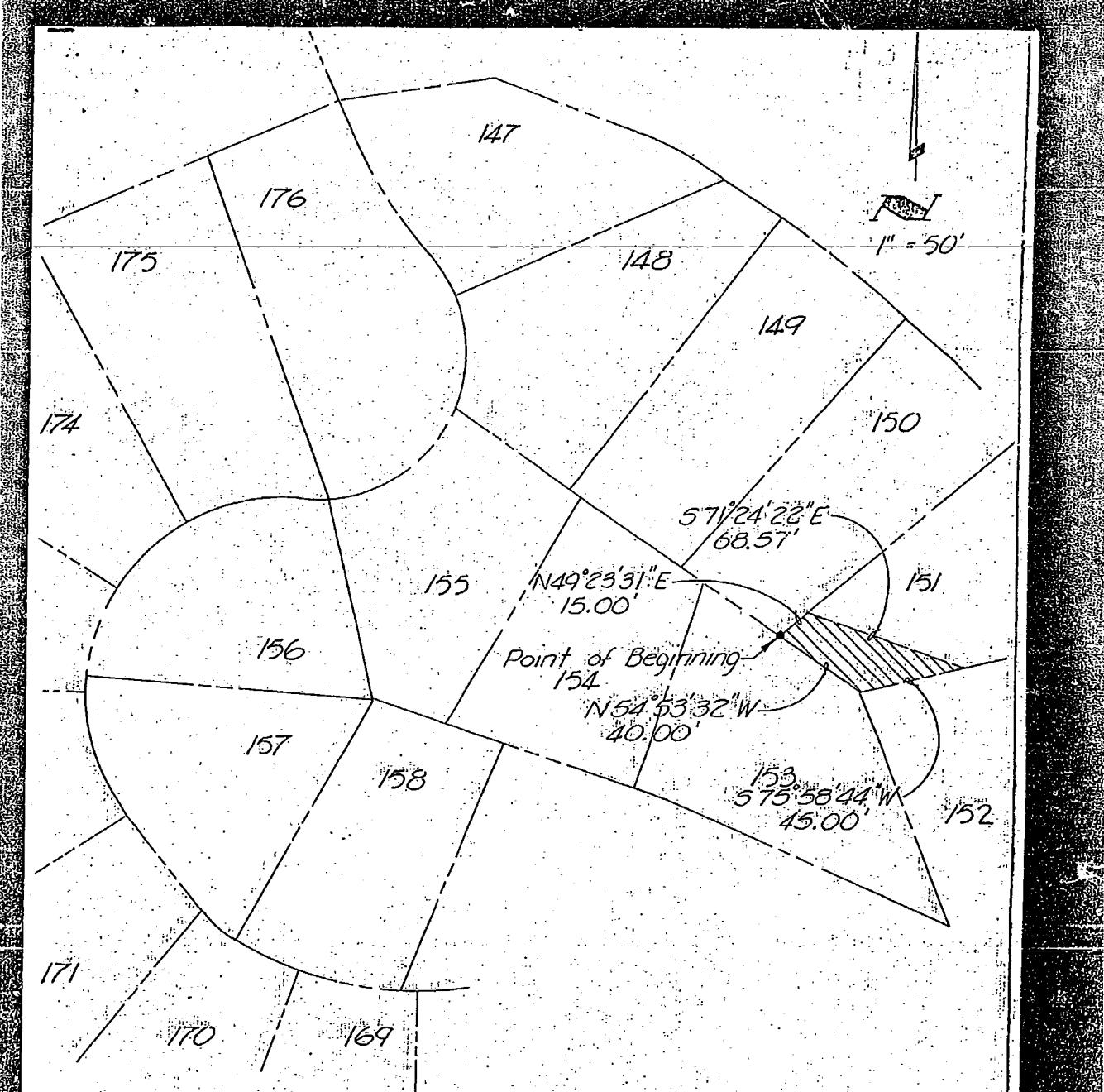
Beginning at the southernmost common corner of lots 148 and 149; thence North 36°32'40" East along the common line of said lots 148 and 149 a distance of 17.00 feet; thence South 52°44'56" East to the common line of lots 149 and 150 a distance of 56.49 feet; thence South 42°17'36" West along the common line of said lots 149 and 150 to the southernmost common corner of said lot 149 and 150 a distance of 15.00 feet; thence North 54°53'32" West along the common line of lots 149 and 150 to the southernmost common corner of lots 148 and 149 a distance of 55.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in Lot 150, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska being more particularly described as follows:

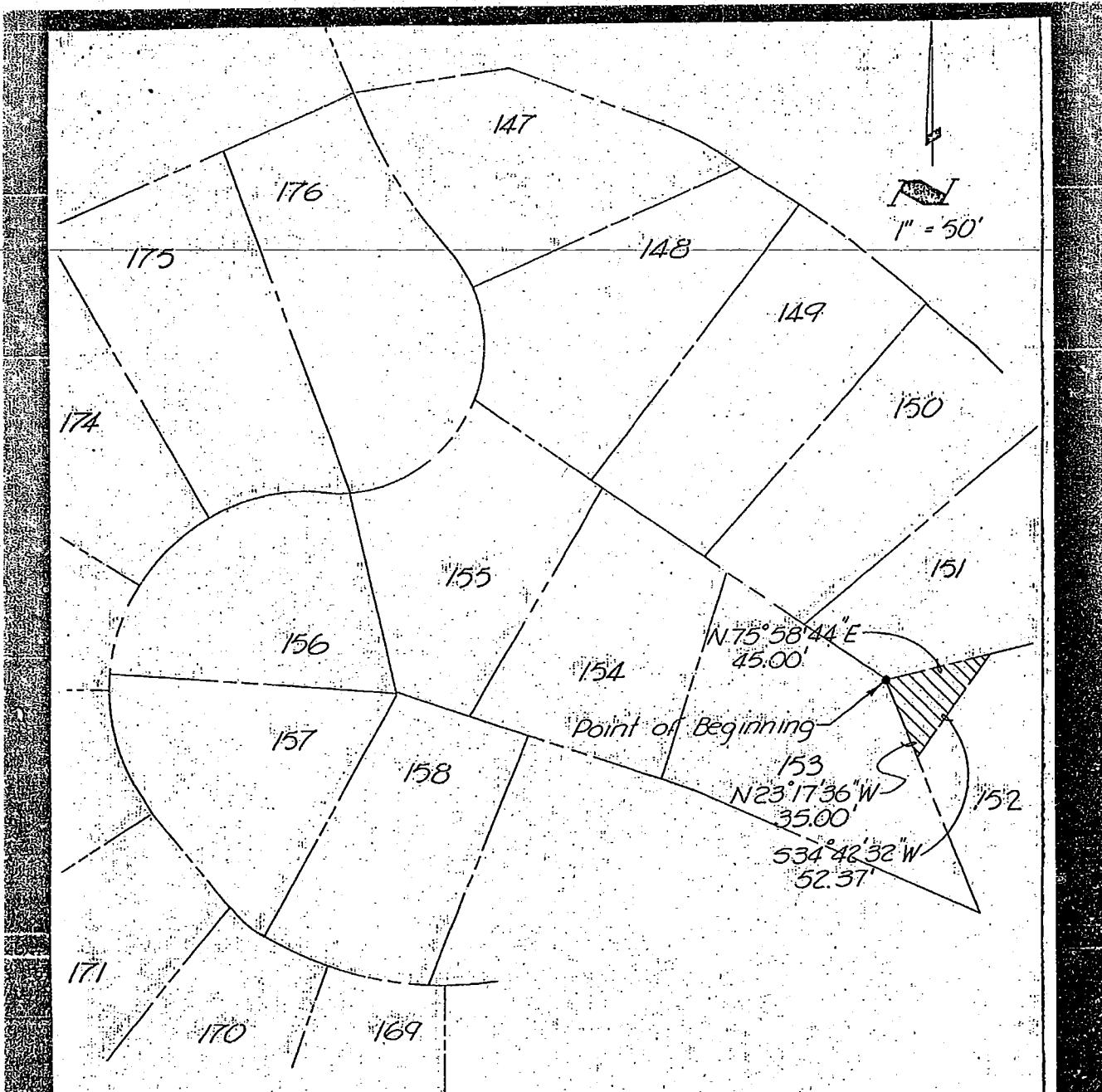
The southwesternmost 15 feet of said lot 150 parallel to the southwesternmost lot line.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 151, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

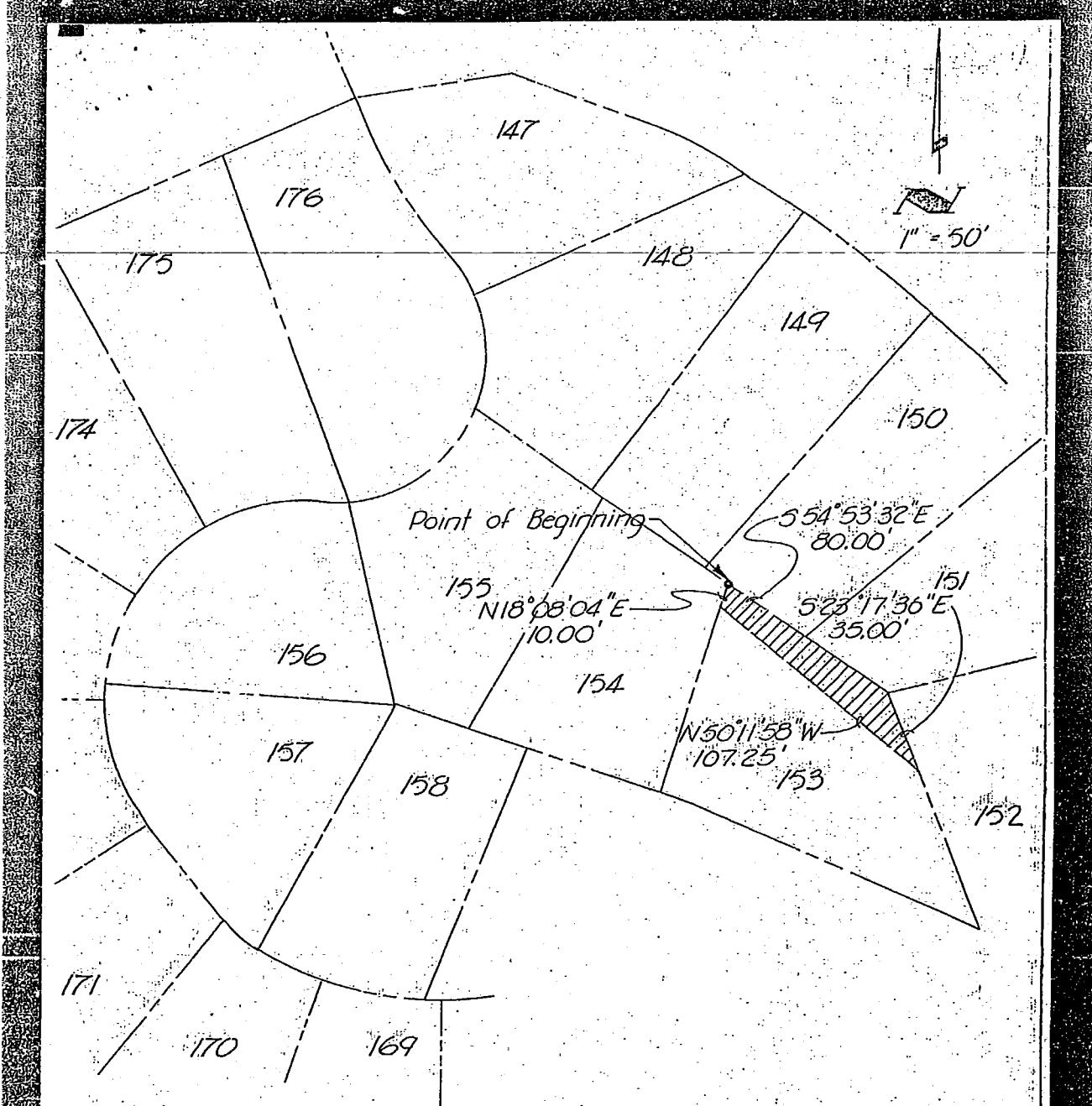
Beginning at the southernmost common corner of lots 150 and 151; thence North 49°23'31" East along the common line of said lots 150 and 151 a distance of 15.00 feet; thence South 71°24'22" East to the common line of lots 151 and 152 a distance of 68.57 feet; thence South 75°58'44" West along the common line of said lots 151 and 152 to the westernmost common corner of said lots 151 and 153 a distance of 45.00 feet; thence North 54°53'32" West along the common line of lots 151 and 153 to the southernmost common corner of lots 150 and 151 a distance of 40.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 152, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

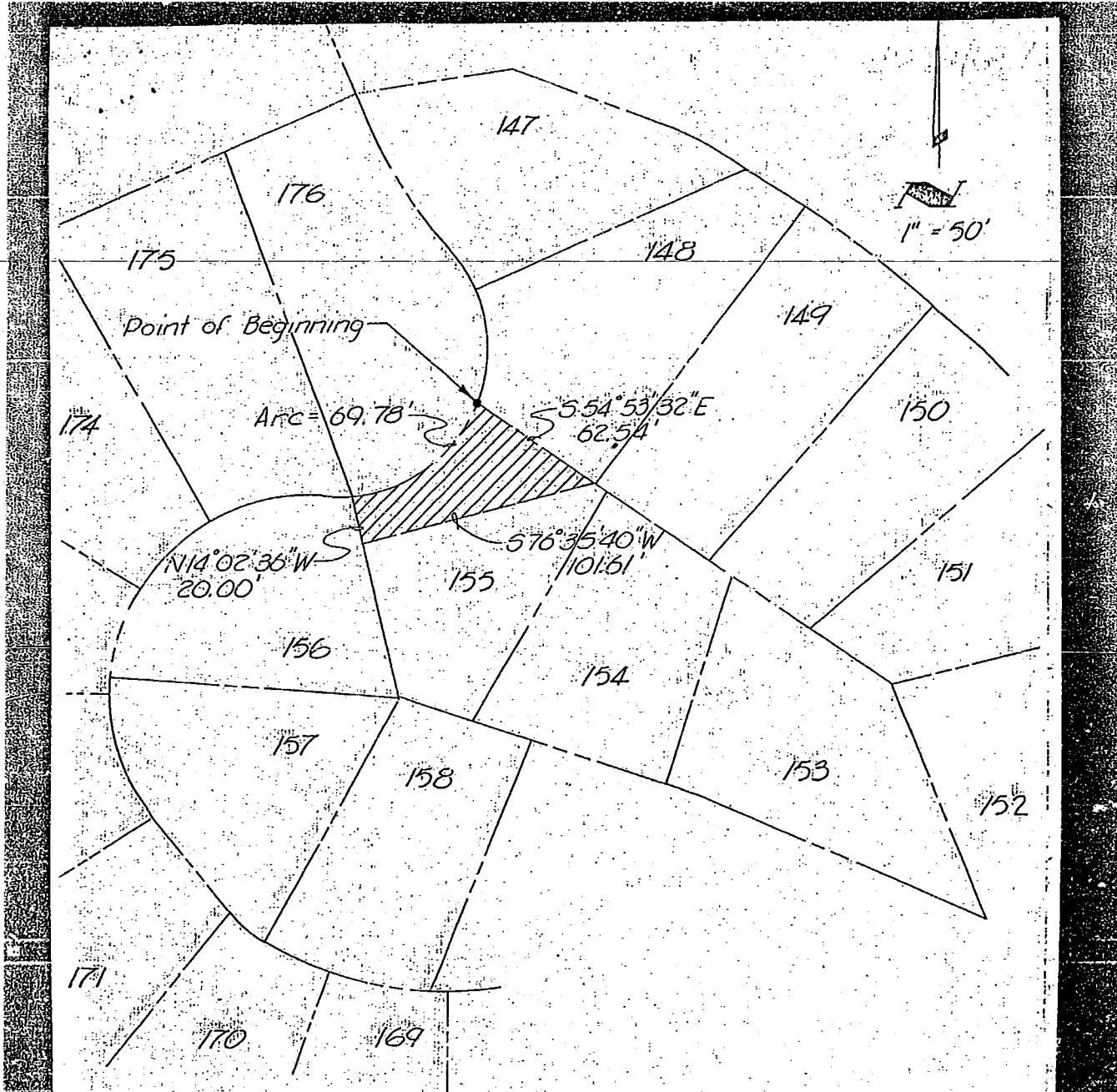
Beginning at the northernmost common corner of lots 152 and 153; thence North 75° 58' 44" East along the common line of lots 151 and 152 a distance of 45.00'; thence South 34° 42' 32" West to the common line of lots 152 and 153 a distance of 52.37' feet; thence North 23° 17' 36" West along the common line of lots 152 and 153 to the northernmost common corner of said lots 152 and 153 a distance of 35.00' feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 153, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

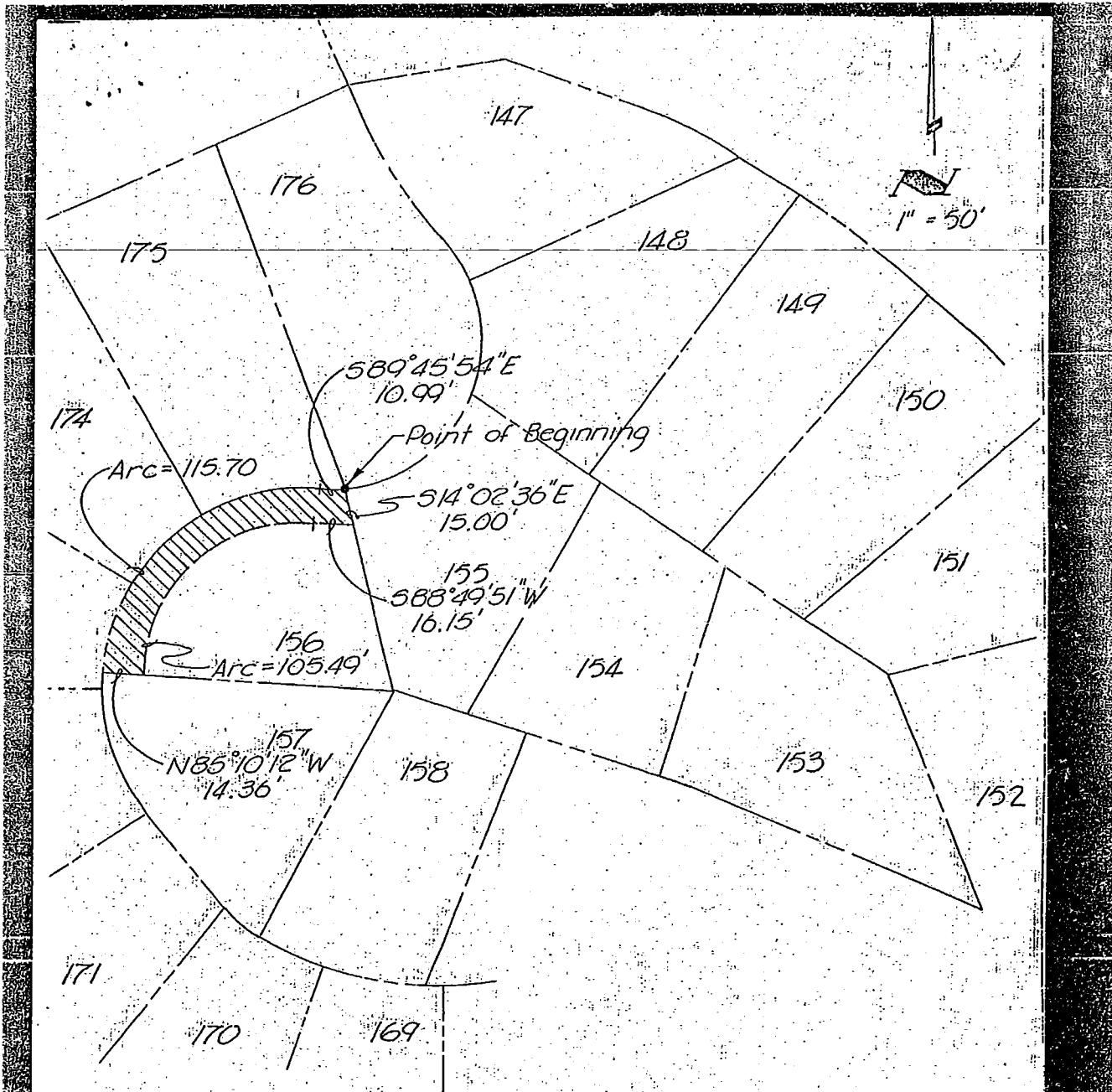
Beginning at the northernmost common corner of lots 153 and 154; thence South 54°53'32"E along the northernmost lot line of said lot 153 to the northernmost common corner of lots 152 and 153 a distance of 80.00 feet; thence South 23°17'36"E along the common line of said lot 152 and 153 a distance of 35.00 feet; thence North 50°11'58"W to the common line of lots 153 and 154 a distance of 107.25 feet; thence North 18°08'04"E along said common line of lots 153 and 154 to the northernmost common corner of said lots 153 and 154 a distance of 10.00 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement, located in lot 155, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

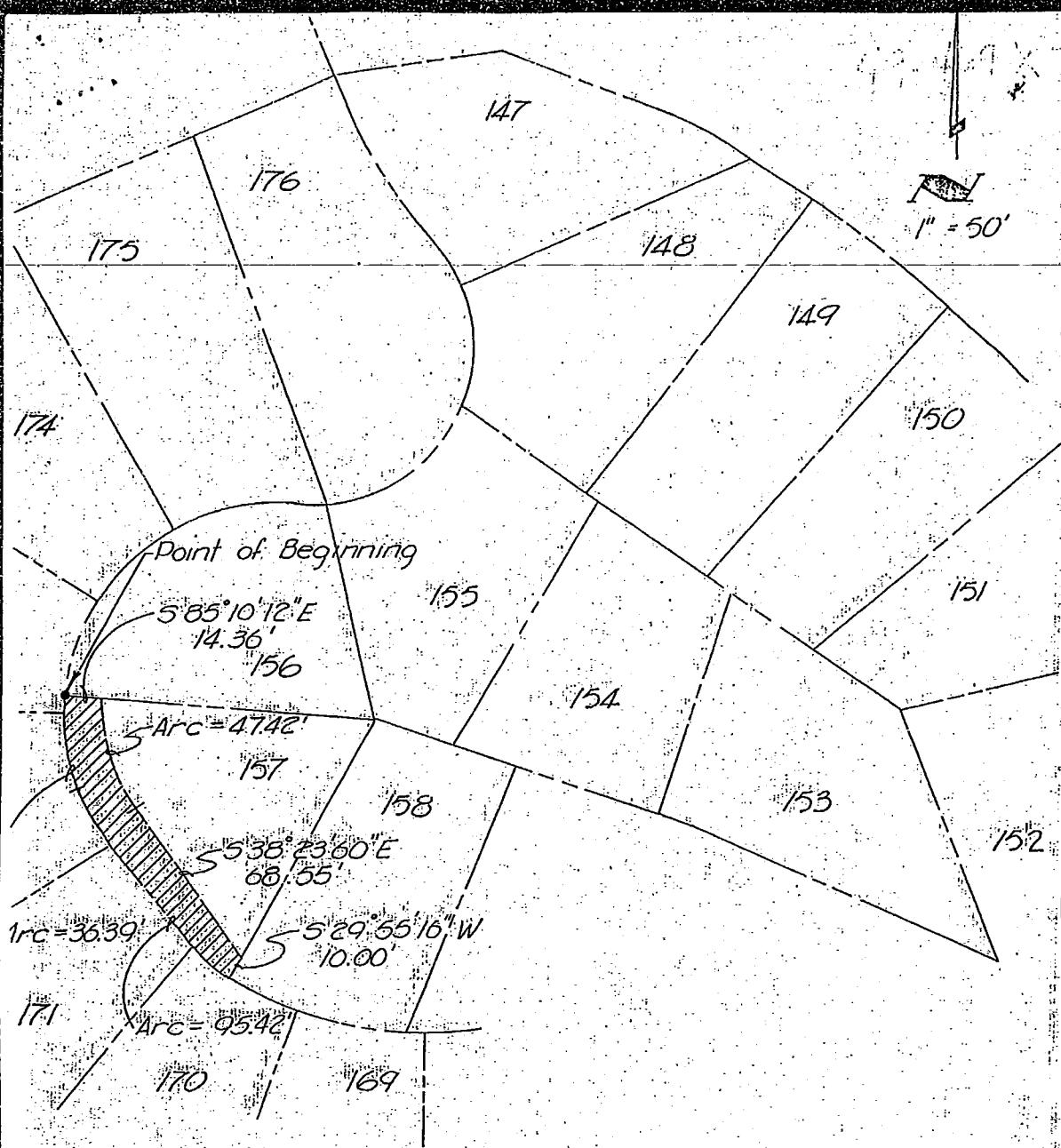
Beginning at the westernmost common corner of lots 148 and 155; thence South 54°53'32" East along the common line of said lots 148 and 155 to the southernmost common corner of lots 148 and 149 a distance of 62.54 feet; thence South 76°35'40" West to the common line of lots 155 and 156 a distance of 101.61 feet; thence North 14°02'36" West along said common line of lots 155 and 156 to the northernmost common corner of said lot 155 and 156 a distance of 20.00 feet; thence on a 161.54 foot radius curve to the left along the common line of lots 155 and 1/6 to the westernmost common corner of lots 148 and 155 an arc distance of 69.78 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 156, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

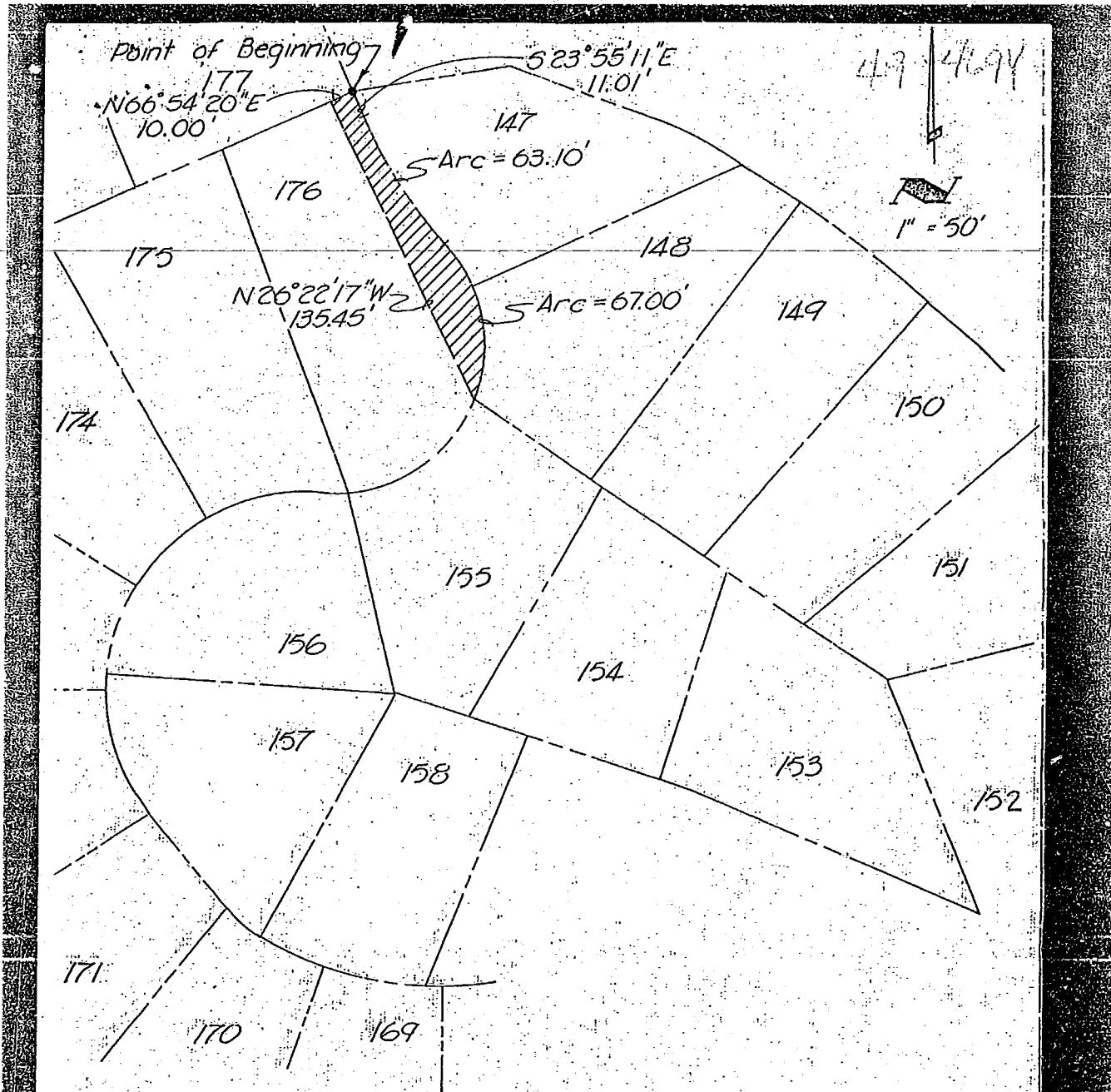
Beginning at the northernmost common corner of lots 155 and 156; thence South 14°02'36" East along the common line of said lots 155 and 156 a distance of 15.00 feet; thence South 88°49'51" West a distance of 16.15 feet; thence on a 66.44 foot radius curve to the left to the common line of lots 156 and 157 an arc distance of 105.49 feet; thence North 85°10'12" West along said common line of lots 156 and 157 to the westernmost common corner of said lots 156 and 157; thence on an 81.44 foot radius curve to the right along the northwesternmost lot line of said lot 156 an arc distance of 115.70 feet; thence South 89°45'54" East along the common line of lots 156 and 175 to the northernmost common corner of lots 155 and 156, a distance of 10.99 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in Lot 157, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

Beginning at the westernmost common corner of lots 156 and 157; thence South 85° 10' 12" East along the common line of said lots 156 and 157 a distance of 14.36 feet; thence on a 66.44 foot radius curve to the left an arc distance of 47.42 feet; thence South 38° 23' 60" East to the common line of lots 157 and 158 a distance of 68.55 feet; thence South 29° 55' 16" West along said common line of lots 157 and 158 to the southernmost common corner of said lots 157 and 158 a distance of 10.00 feet; thence on a 147.52 foot radius curve to the right along the westernmost lot line of said lot 157 an arc distance of 95.42 feet; thence on an 81.44 foot radius curve to the right to the westernmost common corner of lots 156 and 157 an arc distance of 36.39 feet which is the point of beginning.



LEGAL DESCRIPTION

The following is a legal description of a permanent roadway easement located in lot 176, Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

Beginning at the easternmost common corner of lots 176 and 177; thence South $23^{\circ}55'11''$ East along the common line of lots 147 and 176 a distance of 11.01 feet; thence on a 197.42 foot radius curve to the left an arc distance of 63.10 feet; thence on a 61.54 foot radius curve to the right along the easternmost lot line of said lot 176 an arc distance of 67.00 feet; thence North $26^{\circ}22'17''$ West to the common line of lots 176 and 177 a distance of 135.45 feet; thence North $66^{\circ}54'20''$ East along said common line of said lots 176 and 177 to the easternmost common corner of said lots 176 and 177 a distance of 10.00 feet which is the point of beginning.